

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**Preston Scott Douglas, individually and
on behalf of all similarly situated,**

Plaintiff,

v.

**BCFS Health and Human Services d/b/a
Baptist Child & Family Services, Baptist
Care Facilities for Persons with Mental
Disabilities, Inc. d/b/a Baptist Care
Facilities, and Breckenridge Village of Tyler
d/b/a BVT**

Defendants.

Civil Action No. 2:16-cv-1010

JURY TRIAL DEMANDED

DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT

COME NOW Defendants BCFS Health and Human Services ("BCFS"), Baptist Care Facilities for Persons with Mental Disabilities, Inc. ("Breckenridge Village"), and Breckenridge Village of Tyler (collectively "Defendants"), and file this their Answer in Response to the Complaint of Preston Scott Douglas, individually and on behalf of all similarly situated ("Plaintiff"), and would show the Court the following:

I. NATURE OF SUIT

1. Defendants admit that the FLSA was passed by Congress and that the included quote is from the cited case. Otherwise denied.
2. Defendants deny the allegations contained in Paragraph 2 of the Complaint.

II. PARTIES

3. Denied as to Plaintiff Douglas' employment by BCFS. Denied as to Plaintiff Douglas' employment by Breckenridge Village of Tyler, as that is an assumed name for

Defendant Breckenridge Village, and not a separate entity. Otherwise admitted.

4. Defendants deny the allegations contained in Paragraph 4 of the Complaint.
5. Defendants deny that the named defendant does business as “Baptist Child & Family Services.” Otherwise admitted.
6. Defendants deny that the named defendant does business as “Baptist Care Facilities.” Otherwise admitted.
7. Defendants deny the allegations contained in Paragraph 7 of the Complaint.

III. JURISDICTION AND VENUE

8. Defendants admit the allegations contained in Paragraph 8 of the Complaint.
9. Defendants admit the allegations contained in Paragraph 9 of the Complaint.

IV. COVERAGE FACTS

10. Defendants deny the allegations contained in Paragraph 10 of the Complaint.
11. Defendants deny the allegations contained in Paragraph 11 of the Complaint.
12. Defendants deny the allegations contained in Paragraph 12 of the Complaint.
13. Defendants deny the allegations contained in Paragraph 13 of the Complaint.
14. Defendants admit the allegations contained in Paragraph 14 of the Complaint.

V. FACTUAL ALLEGATIONS

15. Defendants admit the allegations contained in Paragraph 15 of the complaint.
16. Denied as to Defendants BCFS and BVT. Otherwise admitted.
17. Admitted that Plaintiff has had different job titles during his employment, including the title of Relief House Manager. Further admitted that at times his primary duty has been to provide assistance to Defendants’ residence; otherwise denied.
18. Defendants deny the allegations contained in Paragraph 18 of the Complaint.

19. Defendants deny the allegations contained in Paragraph 19 of the Complaint.
20. Defendants deny the allegations contained in Paragraph 20 of the Complaint.
21. Defendants admit the allegations contained in Paragraph 21 of the Complaint.
22. Defendants admit the allegations contained in Paragraph 22 of the Complaint.
23. Defendants deny the allegations contained in Paragraph 23 of the Complaint.
24. Defendants deny the allegations contained in Paragraph 24 of the Complaint.
25. Defendants deny the allegations contained in Paragraph 25 of the Complaint.

VI. COLLECTIVE ACTION ALLEGATIONS

26. Defendants deny the allegations in Paragraph 26 of the Complaint.
27. Defendants deny the allegations in Paragraph 27 of the Complaint.

PRAYER OF RELIEF

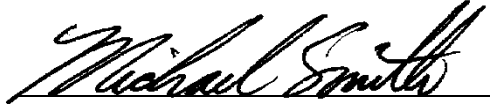
28. Defendants deny that the Plaintiff or the Class Members are entitled to the relief sought.

Wherefore, Defendants pray for entry of judgment as follows:

- A. Dismissing with prejudice any and all claims by Plaintiff against Defendants;
- B. That Plaintiff take nothing from Defendants;
- C. Awarding Defendants their costs; and
- D. Awarding such other and further relief as this Court may deem just and proper.

Dated: October 7, 2016

Respectfully submitted,

A handwritten signature in black ink, reading "Michael C. Smith", written over a horizontal line.

Michael C. Smith
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Attorney for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system this the 7th day of October, 2016.

A handwritten signature in black ink, reading "Michael C. Smith", written over a horizontal line.
Michael C. Smith